

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil No.: 1:05cv361**

**VIRGIN RECORDS AMERICA, INC., a)
California corporation; ATLANTIC)
RECORDING CORPORATION, a)
Delaware corporation; ELEKTRA)
ENTERTAINMENT GROUP INC., a)
Delaware corporation; LONDON-SIRE)
RECORDS INC., a Delaware corporation;)
WARNER BROS. RECORDS INC., a)
Delaware corporation; and CAPITOL)
RECORDS, INC., a Delaware corporation,)**

Plaintiffs,

v.

DANE BARKER,

Defendant.

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

THIS MATTER is before the Court on the Plaintiffs' Motion For Default Judgment.

Defendant having previously been found in default,

IT IS, THEREFORE, ORDERED that the Plaintiffs' Motion for Default Judgment is **ALLOWED**.

IT IS FURTHER ORDERED AND ADJUDGED that:

Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the nine sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs'

copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Six Thousand Seven Hundred Fifty Dollars (\$6,750.00).

Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Three Hundred Seventy Five Dollars (\$ 375.00).

Defendant further shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Le Freak," on album "C'est Chic," by artist "Chic" (SR# 4-546);
- "Just Like Heaven," on album "Kiss Me, Kiss Me, Kiss Me," by artist "The Cure" (SR# 82-714);
- "Oh l'Amour," on album "Wonderland," by artist "Erasure" (SR# 69-758);
- "One Step Beyond," on album "One Step Beyond," by artist "Madness" (SR# 16-959);
- "Jungle Love," on album "Ice Cream Castle," by artist "The Time" (SR# 55-021);
- "Always on My Mind," on album "Always on My Mind," by artist "Pet Shop Boys" (SR# 97-564);
- "In Limbo," on album "Kid A," by artist "Radiohead" (SR# 289-381);
- "High and Dry," on album "The Bends," by artist "Radiohead" (SR# 280-260);
- "Three Libras," on album "Mer De Noms," by artist "A Perfect Circle" (SR# 281-642);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet

or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

Signed: August 8, 2006

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

